

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD McDUFF,

Case No. 23-11739

Plaintiff,
v.

F. Kay Behm
United States District Judge

KRISTEN JONES, *et al.*,
Defendant.

Kimberly G. Altman
United States Magistrate Judge

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**ORDER OVERRULING DEFENDANT'S OBJECTIONS AS MOOT
(ECF No. 99)**

This is a prisoner civil rights case. Plaintiff Richard McDuff (McDuff), proceeding *pro se* and *in forma pauperis*, has sued Michigan Department of Corrections (MDOC) Registered Dietitian Kristen Jones (Jones), Healthcare Unit Manager Magen Oaks (Oaks), and Rickey Coleman, D.O. (Dr. Coleman) under 42 U.S.C. § 1983 for alleged violations of his constitutional rights. ECF No. 34, Second Amended Complaint. Under 28 U.S.C. § 636(b)(1), all pretrial matters have been referred to Magistrate Judge Altman. ECF No. 6.

On February 11, 2025, Judge Altman granted Dr. Coleman's emergency motion (ECF No. 79) to extend the Wellpath bankruptcy stay to individual Wellpath defendants, i.e., himself. ECF No. 96.

Currently before the court are Defendant McDuff's objections (ECF No. 99) to the Magistrate Judge's order extending the stay to Dr. Coleman (ECF No. 96).

When a litigant objects to a magistrate judge's ruling on a non-dispositive matter, they may serve and file objections to the order within 14 days after being served with a copy. Fed. R. Civ. P. 72(a). The district judge must then consider any timely objections and modify or set aside any part of the magistrate judge's order that is "clearly erroneous or contrary to law." *Id.* A magistrate judge's factual findings are reviewed under the clearly erroneous standard and will be reversed only when "the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed."

United States v. Mabry, 518 F.3d 442, 449 (6th Cir. 2008) (citing *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

A magistrate judge's legal conclusions are reviewed under the "contrary to law" standard and will be reversed only if they fail to apply or misapply relevant statutes, case law, or rules of procedure. *Bisig v. Time Warner Cable, Inc.*, 940 F.3d 205, 219 (6th Cir. 2019) (citations omitted). A district court may not reverse a magistrate judge's ruling

simply because the court would have decided the matter differently.

Sedgwick Ins. v. F.A.B.E. Custom Downstream Systems, 47 F.Supp.3d 536, 538 (E.D. Mich. 2014); *see also Anderson v. City of Bessemer City*, N.C., 470 U.S. 564, 573 (1985) (interpreting the clearly erroneous standard in Rule 52(a)).

McDuff filed four objections to extending the stay as to Dr. Coleman. However, the court does not find any reason to evaluate the merits of those objections, because the stay has ended as to Dr. Coleman.

The record reflects that the stay was originally only until February 19, 2025. ECF No. 96, PageID.1277. On February 21, 2025, Dr. Coleman provided the court with notice that the stay was extended by the bankruptcy court to “the earlier of (a) the effective date of a confirmed chapter 11 plan; (b) dismissal of the chapter 11 cases of the Debtors; or (c) April 30, 2025.” ECF No. 97. The Magistrate Judge then entered a text-only order extending the stay as to Dr. Coleman according to those dates. No order or notice has since updated those dates.

Because no further notice has been provided by Dr. Coleman that the stay was extended, and no further order has been entered by the Magistrate Judge, the stay expired as to Dr. Coleman on or before April 30, 2025. McDuff's objections to that stay are thus moot and his objections are each **OVERRULED** on that basis. The Magistrate Judge's orders are **AFFIRMED**.

SO ORDERED.

Date: June 11, 2025

s/F. Kay Behm
F. Kay Behm
United States District Judge